

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 9301	DATE	1/3/2002
CASE TITLE	Adrian Martinez vs. Lexus of Naperville, et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> General Rule 21 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Memorandum Order. For the reasons expressed in both of this Court's memorandum orders, both Martinez' Complaint and this action are therefore dismissed as untimely. And that dismissal moots Martinez' Application To Proceed Without Prepayment of Fees and his Motion for Appointment of Counsel.
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

No notices required, advised in open court.		Document Number
No notices required.		
<input checked="" type="checkbox"/> Notices mailed by judge's staff.		
Notified counsel by telephone.		
Docketing to mail notices.		
Mail AO 450 form.		
Copy to judge/magistrate judge.		
SN	courtroom deputy's initials	number of notices JAN 04 2002 date docketed docketing deputy initials 1/3/2002 date mailed notice SN mailing deputy initials
Date/time received in central Clerk's Office 02 JAN -3 PM 1:20		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ADRIAN MARTINEZ,)
)
Plaintiff,)
)
v.) No. 01 C 9301
)
LEXUS OF NAPERVILLE, et al.,)
)
Defendants.)

MEMORANDUM ORDER

DOCKETED
JAN 4 2002

This Court's December 6, 2001 memorandum order directed plaintiff Adrian Martinez ("Martinez") to explain the substantial disparity between the date of EEOC's right-to-sue letters and Martinez' claimed date of receipt of those letters--a disparity that raised an obvious question as to the possible untimeliness of Martinez' employment discrimination lawsuit against his former employers Lexus of Naperville and Dan Wolf Motors of Naperville, Inc. Because Martinez' December 13 "Additional Supplementary Filing" really confirmed the potential untimeliness problem rather than providing a satisfactory answer, this Court issued a further memorandum order on December 13 that granted Martinez some additional time (until December 27) to provide "any explanation that would justify keeping his lawsuit in court."

December 27 has now come and gone without anything further from Martinez. For the reasons expressed in both of this Court's memorandum orders, both Martinez' Complaint and this action are therefore dismissed as untimely. And that dismissal moots

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Martinez' Application To Proceed Without Prepayment of Fees and
his Motion for Appointment of Counsel.

A handwritten signature in cursive script, appearing to read "Milton I. Shadur".

Milton I. Shadur
Senior United States District Judge

Date: January 3, 2002